

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.2928 OF 1984

Baburao Nana Gopale & ors. .. Petitioners

Vs

Arthur Richard Mitchall, .. Respondents

Mr C.J.Gavnekar, for the petitioners.

Mr S.D.Rupawate, for the respondent nos 1(a) and 1(B)

CORAM : D.B.BHOSALE, J.

DATE : 24th September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Mr Gavnekar, learned counsel for the petitioners, states that the petitioners have initiated the proceedings under section 70-B of the Bombay Tenancy and Agriculture Lands Act, 1947, before the tenancy authorities and those proceedings are still going on and in view thereof he has instructions to withdraw this petition without prejudice to the rights and legal contentions of the petitioners in the said proceedings pending before the tenancy authorities. Mr. Rupawate, learned counsel for the respondents, has no objection for granting such liberty and reserving the rights and legal contentions of the petitioners to be agitated in the proceedings under section 70-B pending before the

tenancy authorities. In view thereof, the writ petition is allowed to be withdrawn with liberty as prayed for.

3. The tenancy authorities shall decide the proceedings pending before them under section 70-B on merits in accordance with law.

(D.B.BHOSALE, J.)